

THE QUESTION OF IMPEACHING GOVERNOR AMES.

Notwithstanding the wrongs which the people of Mississippi have suffered at the hands of Gov. Ames—his ignorance, or contempt, or both, of the Constitution when it has stood in the way of his conspiracies against them whether originating in ambition or malice purely—his gross maladministration which no one outside his clan of office-holders denies—it is sometimes urged that unless a case can be made out against him which would subject him to criminal prosecution and conviction before the Courts for some such infamous crime as felony, arson, murder, and the like, he ought to be permitted to escape the punishment (of removal from office) made and provided in the Constitution expressly for such offenses as he has notoriously committed. Assuming his guiltiness of these offenses, which are as palpable as that the sun gives light by day and the moon performs her offices by night, we will proceed to cite the highest Republican authorities and apply them to his case.

WEAT BENJAMIN F. BUTLER SAID.

Manager B. F. Butler, in his argument on the impeachment of President Johnson, speaking of the remedy by that procedure prescribed by the Constitution, said:

But a single incident only of the business (of impeachment) was left to construction, and that concerned the offenses or incapacities which are the groundworks of impeachment. This was wisely done because human foresight and human intelligence fall in the task of anticipating and providing for by positive enactment all the infinite gradations of human wrong and sin by which the liberties of a people and the safety of a nation may be endangered from the sublimity, corruption, and unwholeness of ambition in its rulers. (Imp. of Andrew Johnson, p. 88.)

Having laid down this undeniable proposition, Manager Butler proceeded, as follows, to define

WHAT ARE IMPEACHABLE OFFENSES.

We define, therefore, impeachable high crime or misdemeanor to be one in its nature or consequences subversive of some fundamental or essential principle of government, or highly prejudicial to the public interest, and this may consist of a violation of the Constitution, of law, of an official oath, or duty, by an official, appointed, or elected, or holding office, or power, or authority, or by the abuse of discretionary powers from improper motive, or from any improper purpose. (Manager Butler, same vol. p. 8.)

WHAT ARE HIGH CRIMES AND MISDEMEANORS?

But a great hush is made of the words high crimes and misdemeanors and it is thought to be monstrous that an official who is not charged with such indictable offenses as highway robbery, arson, murder, treason, and the like, should be arraigned on the accusation of "high crimes and misdemeanors." Now, what are the offenses known as "high crimes and misdemeanors" for which the Constitution says the Governor "SHALL" be removed from office, etc.

Fortunately the researches of Manager B. F. Butler, have left nothing to doubt, or construction even, on this head. He says:

It is but common learning that in the English precedents the words high crimes and misdemeanors are universally used; but any malversation in office, highly prejudicial to the public interest, or subversive of some fundamental principle of government by which the safety of a people may be in danger, is a "high crime" against the nation as the term is used in parliamentary law.

Mr. Christian, in his notes to the Commentaries of Blackstone, explains the collocation and use of the words "high crimes and misdemeanors" by saying:

When the words "high crimes and misdemeanors" are used in prosecutions by impeachment, the words "high crimes" have no definite significance, but are used merely to give greater solemnity to the charge. (Impeachment trial, vol. 1, p. 88-9.)

And Manager Butler, for the purpose of strengthening this interpretation and showing that it was designed to be placed on the terms employed in the Constitution, quoted the following words of James Madison:

The danger consists in this: That the President can displace from office a man whose merits require he should be continued in it. In the first place he will be impeached by the House for some act of maladministration, for I contend that the removal of meritorious officers would subject him to impeachment and removal from his own high trust.

MUST A CRIME BE IMPEACHABLE OR OF A NATURE TO SUBJECT THE OFFENDER TO CRIMINAL PROSECUTION?

Clearly not. As we have before said, such position is contrary to the common sense of the thing, as well as contrary to the law of the thing, and it was to this very point Manager Butler directed his argument when he said:

Is this proceeding (prosecution by impeachment) a trial, as that term is understood, so far as relates to the rights and duties of a Court and jury upon an indictment for crime? Or is it rather in the nature of an inquiry of office? The Constitution seems to have determined it to be the latter, because under its provisions the right to retain and hold office is the only subject that can be finally adjudicated. (p. 88.)

And Manager Butler proceeded to demonstrate so clearly that the feeblest intellect could discern, the wide difference between a prosecution by impeachment and an ordinary criminal procedure in the Courts for an indictable offense. And this was the conclusion which he announced:

A constitutional tribunal solely, who (the Senate) are bound by no law, either statute or common, which may limit your constitutional prerogative. You consult no precedents save those of the law and customs of parliamentary bodies. You are a law unto yourselves, bound only by the natural principles of equity and justice, and that salutary supreme act (the) SAFETY OF THE PEOPLE IS THE HIGHEST LAW. (p. 90.)

These principles were applied to the case of President Johnson when he was impeached of "high crimes and misdemeanors" by the entire Republican vote in the House of Representatives. On the trial, the vote stood for conviction, 35, to 19 against. The alleged offenses of President Johnson consisted of his attempt to remove Stanton, a member of his cabinet, and to appoint Thomas in his place in violation of the tenure-of-office act, his attempt to induce Gen. Emory, commander of U. S. forces at Washington, to obey the orders of the President without reference to the General of the Army—and of his speeches, criticism and ridiculing the Congress of the United States. These alleged offenses compared to Ames' crimes were as mole hills to mountains.

Now, applying the principles laid down by President Johnson to the case of Gov. Ames, and how can impeachment and conviction be avoided? Says Butler in an impeachable high crime or misdemeanor "may consist of a violation of the constitution, of law, of an official oath, or an act committed or omitted, or even without violating a positive law, by the abuse of discretionary powers, etc."

"Any malversation in office" (continues this distinguished Republican authority) "highly prejudicial to the public interest, or subversion of some fundamental principle of government" is a "high crime" punishable with impeachment and removal.

Ames has "violated the constitution" by subordinating the civil to the military authority by organizing troops in a manner unauthorized by the constitution and parading them over the country with all the paraphernalia of war to intimidate and overawe the people and to produce riot and bloodshed; by counseling and prompting Crosby to usurp the functions of an office which he had resigned after force, feigning his right to hold it; by authorizing pretended officers of militia to abet the mob and thus to produce war between the races avowedly for the purpose of shedding blood that partisan ends might be attained; by keeping troops in time of peace without the consent of Congress.

By using the troops so organized in violation of the Constitution of Mississippi, when there was no "insurrection" to "suppress" nor "invasion" to "repel."

By calling on the President for Federal troops in a manner (according to the opinion of the President and the Attorney General of the United States) unauthorized by the Constitution, and bringing scandal, derision and reproach upon the State, to the disturbance of her peace, the tarnishment of her good name, and the disgrace of the high office which he holds.

By treating with contempt the prerogatives of the Senate, which, by the constitution, is made co-ordinate with the Executive in the appointment of Judges. By attempting to influence the decisions of Chancellors and making their confirmation depend upon their servile compliance with the will of the Executive, and thus usurping the functions of the Judiciary in defiance of the constitution, which requires that the several departments of the government shall each be independent of the others.

By the arbitrary removal of Judges in a manner not authorized by the Constitution.

By appointing members of the Legislature to offices of emolument under laws created, not only during their term of service, but by their votes.

By "committing" to discharge the duties of the Executive office, and leaving them for long periods to be performed by the Lt. Governor, thus making a rule of what was clearly intended to be an exception by the framers of the constitution and rendering nugatory the laws for the punishment of crime in the abuse of the pardoning power by that officer to the scandal of the State and detriment of her citizens.

In his argument above recited, Manager Butler declared the remedy of impeachment for abuse of the powers of the Executive office by its incumbent, to be "conservative, effectual and practical." If the crimes of Gov. Ames do not call for the prompt application of the "remedy," how is it possible for such a case to rise?

Give us a Decent Judiciary.

We respectfully call the attention of the members of the incoming Legislature to the following clause in the State Constitution, which will enable them to dispose of the case that now cumbereth the bench. In this State, as well as the superfluous Chancellors and Circuit Judges who will be thrown on their hands under the new district printing bill that will doubtless engage their attention at an early period in the January session:

ART. IV, SEC. 31. For reasonable cause, which shall not be sufficient ground for impeachment, the Governor shall, on the joint address of two-thirds of each branch of the Legislature, remove from office the Judges of the Supreme Court, and the inferior Courts; Provided, The cause or causes of removal be spread upon the Journal, and the party charged, be notified of the same before the vote is finally taken and decided, and shall have an opportunity to be heard by himself, or counsel, or both."

The foregoing is from the Aberdeen Examiner. The remedy suggested would be complete and effectual, but we submit that its application will be an unnecessary consumption of time, as the Chancellors will all go out of office by virtue of the Constitutional amendment, and the terms of the Circuit Judges will expire within a very short time. The matter that we trust will most engage the attention of Legislators, will be the securing of worthy and competent appointments during the next term, and the way to that end is as plain as the road to market.

In a card to the Times, Rev. H. R. Revels reiterates the statements touching carpet-bag misuse in this State, contained in his recent published letter, saying:

I wrote what I then believed to be true and still believe to be true and can with equal regard for truth and good government add much of the same character touching the misdeeds of the persons therein referred to, but charity bids me spare them the exposure, and I yield to its admonitions.

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THE LEGISLATURE.

The assembling of the Legislature today, (the 4th,) and the installation of the new county officers on yesterday, (the 3d,) mark a new era in the history of Mississippi. It is an occasion of genuine thanksgiving. The condition of her people in the light of these memorable events, may be likened to the experience of the mariner who lands safely on hospitable shores amid the greetings of friends, after having encountered the perils of darkness and storms and shipwreck.

It is no vain boast to say that the Legislature now assembled has never been surpassed in the qualities of integrity, capacity and patriotism, by any similar deliberative body which has ever before assembled within the walls of the Capitol. Its opportunities for service to the people are great. They are commensurate with the evils which unexampled maladministration has brought upon the State. That the Legislature will conscientiously address itself to the important work, there need be no apprehension. That it will be faithful in redeeming its promises, there need be no doubt. The scalpel will be applied with no trembling hand to the excrescences which require to be lopped off from the body politic, before there can be a healthy recuperation and development of the system. It will be just in its actions. The evil-doers and adventurers in office who have abused their trusts, will be held to strict accountability. The colored people, who have been deluded by the false cry that a Democratic and Conservative victory meant legislation unfriendly to, and discriminating against, their race will be undeceived. The very cornerstone of the Democratic creed is equality of civil and political rights to all men of every race, color, and nationality.

The Auditor of Public Accounts in his report to the Legislature of January 1st, 1874, bore terrible witness to the folly of Radical misrule when he reminded that body that in no year, since reconstruction, had the receipts (notwithstanding exorbitant taxation) reached the appropriations but that, on the contrary, "the receipts, so that year by year a 'debt of considerable magnitude has been accumulating.' The miserable legacy created by this vicious and profligate system of legislation, has been left on the hands of the present Legislature, and will require to be dealt with. God speed them in the important mission which they have been called to fulfill.

THE SENATORIAL ELECTION.